

FILED

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ALABAMA
BIRMINGHAM DIVISION

2024 DEC 11 A 11:27
U.S. DISTRICT COURT
N.D. OF ALABAMA

4:24 cv 1706 ACA/JHE

TERRY FLUKER, NO.

PETITIONER,

WRIT OF HABEAS CORPUS
28 USC 2241

VERSUS

JONATHAN W. HORTON,

RESPONDENT

PRETRIAL WRIT OF HABEAS CORPUS
BRIEF IN SUPPORT
JOINT APPENDICES AND ORDERS

BY: TERRY FLUKER
IN PROPRIA PERSONA
327 FORREST AVE
GADSDEN, AL 35901

FOR: STEVEN MARSHALL
ALABAMA ATTORNEY GENERAL
501 WASHINGTON AVE
P.O. Box 300162
MONTGOMERY, AL 36130

PETITION FOR WRIT HABEAS CORPUS

I. PARTIES

1. TERRY FLUCKER ("PETITIONER" HEREAFTER) IS UNLAWFULLY IMPRISONED BASED ON A JUDGMENT IN THE STATE COURT PROCEEDING.
2. JONATHAN W. HORTON ("RESPONDENT" HEREAFTER) IS THE CUSTODIAN OF SAID IMPRISONMENT LOCATED AT 827 FORREST AVE, GADSDEN AL 35901

II. JURISDICTION / VENUE

3. THE PETITIONER'S CUSTODY AND IMPRISONMENT IS UNLAWFULLY PURSUANT TO THE US CONST AMEND V, VI, VIII, AND XIV.

4. JURISDICTION VESTS PURSUANT TO 28 USC § 2241 (b) (3), 28 USC § 1331, 28 USC § 2241 (c) (3)

5. THE PARTIES AND CAUSES OF ACTION COMMENCED WITHIN THIS DISTRICT VENUE IS PROPER PURSUANT TO 28 USC § 1391 (A) (1), (b) (1), AND (b) (2)

III. EXHAUSTION OF REMEDIES 28 USC § 2254 (b)(1)(A)

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6. IN ORDER TO OBTAIN RELIEF COMITY AND FEDERALISM MANDATE THAT THE PETITIONER EXHAUST ANY AVAILABLE STATE COURT 28 USC § 2254 (b)(1)(A)

7. THE STATE OF ALABAMA HAS HAD A FULL OPPORTUNITY TO RESOLVE THE FEDERAL CONSTITUTIONAL ISSUES INVOLVED.

8. THE PETITIONER FILED WRITS OF HABEAS CORPUS CHALLENGING BOTH THE DENIAL OF BAIL AND THE SPEEDY TRIAL CLAIM.

9. THOSE PETITIONS WERE DESIGNATED BY ETOWAH COUNTY DOCKET NO: CV 2024-00089.00 AND CV 2024-00091.00 (SEE JOINT APPENDIX)

10. THOSE PETITIONS WERE SUMMARILY DENIED WITHOUT "ANY ADJUDICATION" ON THE MERITS.

11. THE PETITIONER LODGED HIS CLAIM OF APPEAL TO THE ORDERS THE PROCEEDING DAY AFTER DENIAL.

12. APPARENTLY, THOSE NOTICES WERE INTER-
SCEPTED BY THE ETOYAH COUNTY SHERIFFS
OFFICE.

13. THE PETITIONER THEN SUBMITTED WRITS
OF HABEAS CORPUS CHALLENGING THE BOMB AND
SPEEDY TRIAL DENIALS. THE ALABAMA COURT
OF APPEALS ASSIGNED THE MATTERS CR 24-
0690 AND 24 - CR - 0362 (SEE JOINT
APPENDIX)

14. ON AUGUST 23, 2024, IN CR 2024-0362
THE COURT DISMISSED THE WRIT AFTER PRISON
OFFICIALS REFUSED TO COMPLY WITH THE PLEADING.

15. THE COURT OF APPEAL NEVER ADJUDICATED
CR 2024-0690. (SEE APPENDIX)

16. ON NOVEMBER 13, 2024, THE PETITIONER
CAUSED TO TRANSMIT A WRIT OF HABEAS CORPUS
TO ALABAMA SUPREME COURT (SEE APPENDIX)

17. THE PETITIONER ALSO PRESUMES THAT
THAT BRIEF WAS ALSO INTERCEPTED AND UN-
FILED.

IV. UNAVAILABLE / EXTERNAL IMPEDIMENTS

18. THE PETITIONER SUGGESTS THAT HE HAS EX-
HAUSTED ANY "AVAILABLE REMEDIES" AND,
PRESENTED HIS CLAIMS FAIRLY.

19. THE PETITIONER ALSO AVERS THE STATE,
VIA WILLFUL AND INTENTIONAL MISCONDUCT, IS
THEN ENGAGED IN WHOLESALE MAIL FRAUD.

20. THE MAIL FRAUD CONSTITUTES "CAUSE"
AND AN "EXTERNAL IMPEDIMENT FOR THE
FAILURE, ALBEIT THERE BE ANY, FOR THE
FAILURE TO EXHAUST.

21. THE STATE HAS DENIED THE AVAILABILITY
OF A PRETRIAL REMEDY.

IV. ADJUDICATION OF CLAIMS

22. THE RECORD REFLECTS THE STATE COURT ORDER REJECTED THE CLAIMS WITHOUT OPINION.

23. THE COURT OF APPEAL SUMMARILY AFFIRMED THE ORDER WITHOUT OPINION (SEE APPENDIX)

24. THE ALABAMA SUPREME COURT DENIED TO HEAR THE MATTER.

25. THE REJECTION OF HIS CLAIMS SUMMARILY WAS CONTRARY TO AND AN USURPATION BEING UNREASONABLE AS WELL; TO CLEARLY ESTABLISHED UNITED STATES PRECEDENTS BY THE UNITED STATES SUPREME COURT.

26. THE US CONST AMEND VIII PROHIBITS EXCESSIVE BAIL AND BARS CRUEL AND UNUSUAL PUNISHMENT.

27. THE US CONST AMEND V, VI, XIV GUARANTEES A SPEEDY TRIAL.


28. DUE PROCESS MAKES THOSE AFOREMENTIONED PRECEPTS APPLICABLE TO ALABAMA US CONST AMEND XIV

WHEREFORE, THE FAILURE TO GRANT
THE SPEEDY TRIAL IS AN UNREASONABLE AND
CONTRARY APPLICATION OF CLEARLY ESTABLISHED
UNITED STATES SUPREME COURT PRECEDENTS.

THE FAILURE TO GRANT BAIL IS BOTH A
CONTRARY AND UNREASONABLE APPLICATION OF
CLEARLY ESTABLISHED PRECEDENTS.

THE COURT SHOULD ISSUE

DATED: 12/4/24

RESPECTFULLY,

TERRY FLUKER

TERRY FLUKER
827 FOREST AVE
GADSDEN, AL 35901

CLERK OF COURT
UNITED STATES DISTRICT COURT
1729 5TH AVENUE
BIRMINGHAM, AL 35203

SECURITY

DEC 11 2024

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA

